

104TH CONGRESS
1ST SESSION

H. R. 2253

To amend the Endangered Species Act of 1973 to create a mechanism by which information may flow between local communities and governments and the Federal Government regarding the designation of critical habitat and the establishment of National Wildlife Refuges under that Act.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1995

Mr. UNDERWOOD introduced the following bill; which was referred to the
Committee on Resources

A BILL

To amend the Endangered Species Act of 1973 to create a mechanism by which information may flow between local communities and governments and the Federal Government regarding the designation of critical habitat and the establishment of National Wildlife Refuges under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Endangered Species
5 Community Advisory Board Act of 1995”.

1 **SEC. 2. AUTHORITY TO ESTABLISH COMMUNITY ADVISORY**
2 **BOARDS UNDER ENDANGERED SPECIES ACT**
3 **OF 1973.**

4 The Endangered Species Act of 1973 (16 U.S.C.
5 1531 et seq.) is amended by adding at the end the follow-
6 ing new section:

7 “COMMUNITY ADVISORY BOARDS

8 “SEC. 19. (a) ESTABLISHMENT.—(1) The Secretary
9 shall establish an Endangered Species Community Advi-
10 sory Board (in this section referred to as a ‘community
11 advisory board’) in connection with the designation of an
12 area under this Act as critical habitat or as a National
13 Wildlife Refuge.

14 “(2) Each community advisory board—

15 “(A) shall be comprised of 12 members ap-
16 pointed by the Secretary from among individuals
17 recommended by the Governor of the State in which
18 is located the area for which the advisory board is
19 established; and

20 “(B) shall have as its chairperson a member of
21 the advisory board who is an elected official of a
22 local government in that area and who is designated
23 as chairperson by the Secretary.

24 “(3) The term of a member of a community advisory
25 board shall be 4 years, except that of the members first
26 appointed—

1 “(A) 3 shall be appointed for an initial term of
2 1 year;

3 “(B) 3 shall be appointed for an initial term of
4 2 years; and

5 “(C) 3 shall be appointed for an initial term of
6 3 years;

7 as specified by the Secretary at the time of appointment.

8 “(4) Individuals who are Federal employees may not
9 comprise a majority of the total number of members of
10 a community advisory board.

11 “(5) The Secretary shall prescribe regulations re-
12 garding the establishment, characteristics, composition,
13 and funding of community advisory boards. However, the
14 issuance of regulations shall not be a precondition to the
15 establishment of a community advisory board or affect the
16 existence or operation of a community advisory board es-
17 tablished before the effective date of this section.

18 “(6) The Secretary may provide for the payment of
19 routine administrative expenses of a community advisory
20 board established for an area from funds available for ac-
21 tivities relating to study of the area to determine whether
22 to designate the area as critical habitat or as a National
23 Wildlife Refuge.

24 “(b) ASSISTANCE FOR CITIZEN PARTICIPATION.—(1)
25 Subject to the availability of appropriations, the Secretary

1 shall make available funds to facilitate the participation
2 of individuals from the private sector on community advisory
3 boards for the purpose of ensuring public input into
4 the designation of areas as critical habitat or National
5 Wildlife Refuges.

6 “(2) The private individuals who are members of a
7 community advisory board are eligible for funding assistance
8 under this subsection only if they reside in the vicinity
9 of the area for which the community advisory board
10 is established. For accounting and financial management
11 purposes, such funds shall be paid to and administered
12 by the community advisory board on which the private individuals
13 are members, subject to paragraph (3).

14 “(3) Individuals who are local community members
15 of a community advisory board may use funds made available
16 under this paragraph only—

17 “(A) to obtain technical assistance of experts in
18 interpreting scientific data, material, and issues regarding
19 protection of endangered species; and

20 “(B) to educate the local community in understanding
21 such data, material, and issues.

22 “(c) CONSULTATION BY SECRETARY.—If a community
23 advisory board is established for an area, the Secretary,
24 before designating any of the area under this Act

1 as critical habitat or as a National Wildlife Refuge,
2 shall—

3 “(1) consult with and seek the advice and rec-
4 ommendations of the board regarding—

5 “(A) identifying the needs and concerns of
6 the affected local community and individual
7 landowners;

8 “(B) monitoring scientific studies and sur-
9 veys used to determine the need for designation
10 of the area as critical habitat or a National
11 Wildlife Refuge, before that designation; and

12 “(C) addressing land use strategies and
13 management; and

14 “(2) publish recommendations received from the
15 board within 180 days after the date the Secretary
16 initiates consultation under paragraph (1).

17 “(d) MONITORING AND REPORTING BY COMMUNITY
18 ADVISORY BOARDS.—Each community advisory board
19 shall, with respect to critical habitat or a National Wildlife
20 Refuge for which it was established—

21 “(1) monitor and periodically report to the Sec-
22 retary on progress made in the conservation and re-
23 covery of species for which that critical habitat or
24 Refuge was designated; and

1 “(2) periodically review and report to the Sec-
2 retary regarding the continued accuracy and suffi-
3 ciency of the scientific findings that were the basis
4 of that designation.

5 “(e) STATE DEFINED.—Notwithstanding section
6 3(17), in this section the term ‘State’ means any of the
7 several States, the District of Columbia, the Common-
8 wealth of Puerto Rico, American Samoa, the Virgin Is-
9 lands, Guam, and the Commonwealth of the Northern
10 Mariana Islands.”.

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